

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-223

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director for Administration
Legislative Counsel
Deputy Director of Central Intelligence

STATINTL FROM:
Chairman

SUBJECT: Policy Guidance on Marking Material
Provided the Congress

1. Action Requested: That you sign the attached proposed memorandum to the National Foreign Intelligence Board on the above subject.

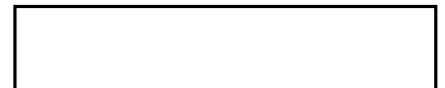
2. Background: The Defense Intelligence Agency (DIA) recently recommended to me that the Security Committee propose policy guidance for the Community on marking SCI material provided the Congress. They noted that Community practice varies now. DIA noted that the term "sensitive" was sometimes used in lieu of SCI codewords or channels indicators. The Office of Legislative Counsel briefed the Security Committee recently on the desirability of Community agencies using all appropriate SCI indicators on compartmented material provided the Congress. Mr. Hitz informs me that at a recent conference of Community Legislative Counsels, an attendee said his agency always used "sensitive" instead of SCI indicators in the belief that codewords and channels markings could not be disclosed to Congress. The Office of Legislative Counsel attendees made it clear that in conveying your material to the Congress, they always used the appropriate SCI indicators and ensured that Members' personal staff and committee staff held the necessary clearances and SCI accesses.

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3. Discussion: Explicit DCI guidance for the Community seems desirable in this area. In spite of several internal proscriptions against use of the substitute term "sensitive," it is still used (e.g., [] and DoD Regulation 5200.1-R STAT prohibits its use with a classification in CIA and Defense respectively -- but elements of both organizations still employ it in the mistaken belief that it provides better protection or that they may not use SCI indicators). The Acting Director of the Information Security Oversight Office recently advised that they interpret E.O. 12065 as precluding use of "sensitive" as a modifier for security classifications. As we move into APEX implementation, we need to ensure that all authorized recipients of sensitive intelligence material understand clearly, through explicit security markings, what they are receiving so they can give it proper handling, storage and dissemination.

4. Recommendation: Your signature on the attached proposed memorandum giving the Community explicit guidance on this subject.

STATINTL



Attachment

Approved For Release 2004/12/22 : CIA-RDP82M00591R000200080004-9
Approved For Release 2004/12/22 : CIA-RDP82M00591R000200080004-9
Provided the Congress

CONCUR:

Deputy Director for Administration

Date

Legislative Counsel

Date

APPROVED:

Director of Central Intelligence

Date

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SECOM/ [] 9 May 80)

STATINTL

NATIONAL FOREIGN INTELLIGENCE BOARD

MEMORANDUM FOR NATIONAL FOREIGN INTELLIGENCE BOARD

SUBJECT: Marking of Material Provided the Congress

1. Variation in Intelligence Community practices on marking sensitive intelligence material provided the Congress indicates the need for policy guidance.

2. Sensitive Compartmented Information (SCI) being prepared for release to members of Congress and Congressional committees shall be marked with all appropriate codewords, project indicators or channel markings. Releasing agencies shall ensure, through their offices of legislative counsel or comparable elements, that members' personal staff and committee staff have clearances and SCI access authorizations appropriate for receipt of the material involved.

3. Material bearing on intelligence operations being similarly prepared for release shall be marked with the appropriate classification and, when it contains information on sources and methods, the "Warning Notice - Intelligence Sources and Methods Involved" marking specified by the Information Security Oversight Office Directive No. 1, dated 1 October 1978. When warranted by the contents, other markings authorized by DCID 1/7 shall be used in place of, or in addition to, the "Warning Notice."

4. The term "sensitive" may not be used instead of, or in addition to, SCI indicators, the "Warning Notice" marking, or markings authorized by DCID 1/7. Section 1-503 of Executive Order 12065 proscribes use of unofficial designators, of which "sensitive" is an example, with or in lieu of authorized national security classifications.

SUBJECT: Marking of Material Provided the Congress

5. Questions on application of this policy should be directed to the DCI Security Committee.

STANSFIELD TURNER
Chairman

SUBJECT: Marking of Material Provided the Congress

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SECOM [redacted] (29 May 80)

ORIGINATOR:

STATINTL

[redacted]
Chairman, DCI Security Committee

Date